



IFW

50257

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : PATENT
: Antje TERNO :
Serial No.: 10/565,943 : Art Unit: 3636
Filed: January 26, 2006 : Examiner:
For: SEAT, ESPECIALLY AN AIRCRAFT :
PASSENGER SEAT, WITH A DATA :
STORAGE DEVICE AND ASSOCIATED :
READING DEVICE :

**SUBMISSION OF ENGLISH LANGUAGE
PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the above-identified application.

Respectfully submitted,

Mark S. Bicks
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, LLP
1300 19th Street, NW, Suite 600
Washington, DC 20036
(202)659-9076

Dated: September 8, 2006



PATENT COOPERATION TREATY

PCT/EP2004/008228

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

Bartels und Partner
Patentanwälte

Eingegangen:

08. AUG. 2006

BARTELS UND PARTNER
Lange Strasse 51
70174 Stuttgart
ALLEMAGNE

TERMIN

Date of mailing (day/month/year) 08 June 2006 (08.06.2006)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 10orr/129226/PCT	
International application No. PCT/EP2004/008228	International filing date (day/month/year) 23 July 2004 (23.07.2004)
Applicant RECARO AIRCRAFT SEATING GMBH & CO. KG et al	

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Ellen Moyse
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 89 75

PATENT COOPERATION TREATY

08. Aug. 2006

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

REC'D 26 JUN 2006

WIPO

PCT

(PCT Rule 44bis)

Applicant's or agent's file reference 10orr/129226/PCT	FOR FURTHER ACTION	See item 4 below
International application No. PCT/EP2004/008228	International filing date (day/month/year) 23 July 2004 (23.07.2004)	Priority date (day/month/year) 29 July 2003 (29.07.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant RECARO AIRCRAFT SEATING GMBH & CO. KG		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 12 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input checked="" type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35 Form PCT/IB/373 (January 2004)	Date of issuance of this report 29 May 2006 (29.05.2006)
	Authorized officer Ellen Moyse Telephone No. +41 22 338 89 75

08. Aug. 2006

REC'D 26 JUN 2006

WIPO

PCT

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

Applicant's or agent's file reference

10orr/129226/PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/008228

International filing date (day/month/year)

23.07.2004

Priority date (day/month/year)

29.07.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

RECARO AIRCRAFT SEATING GMBH & CO. KG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/008228

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in the international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/008228

Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/008228

Box No. IV

Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☒ paid additional fees
 - ☐ paid additional fees under protest
 - ☐ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:

See supplemental sheet

4. Consequently, this opinion has been established in respect of the following parts of the international application:

- ☒ all parts
- ☐ the parts relating to claims Nos. _____

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/008228

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-11	YES
	Claims	1, 12-15	NO
Inventive step (IS)	Claims	10, 11	YES
	Claims	2-9	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations:

Re independent claim 1:

On account of the technical features, D2 which is cited in the search report is prejudicial to the novelty of the subject matter of claim 1 (PCT Article 33(2)). Said document actually describes, in column 21, lines 5-9, a vehicle seat which is provided with a data memory (RFID) that can be read electronically.

In addition, the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3) when D3 is considered together with D4 and D1.

Aircraft passenger seats are subject to special approval regulations which are defined, for example, in the Federal Aviation Regulation (FAR). On account of these regulations (FAR 25.1301), an aircraft passenger seat as is disclosed, for example, in D3 must be labelled in such a manner that it is possible to discern an identification and any operating restrictions from this label. However, the manner in which the seat is labelled is left up to a person skilled in the art who will choose it from a

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/008228

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

number of possible known methods. Labelling using RFIDs (radio frequency identification tag) is one of the relatively recent possible ways of labelling products (D4, D1). The advantages of this type of labelling (easy to read the data using a reading device, low susceptibility to damage, aesthetic since it is not visible from the outside, possibility of storing additional data) are obvious. Prompted by the labelling obligation as a result of the approval regulations, a person skilled in the art will thus fit an information data memory according to D4 or D1 for a passenger seat without being inventive within the meaning of PCT Article 33(3).

Re the claims which are dependent on claim 1:

Read-only areas and read and write areas, the storage of permanent data, the storage of identification numbers, non-contact reading in and out operations are sufficiently well known in the field of RFIDs (D4, column 3, lines 37-43). Stimulation by the reading device is also known (D1, column 1, line 55 - column 2, line 8). Therefore, claims 2-9 likewise do not involve an inventive step within the meaning of PCT Article 33(3).

Re independent claim 12:

Reading devices according to claim 12 are sufficiently well known. D5, for example, thus shows all of the technical features of the claim:

- reading device for transmitting data (figure 1, item 30)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/008228

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

- the reading device has data transmission means for reading data from a data memory (figure 1, item 32)
- the reading device has memory means for buffer-storing the data which have been read from the data memory (figure 8, item 154)

D5 is thus prejudicial to the novelty of the subject matter of claim 12 and the requirements of PCT Article 33(2) have therefore not been met for the subject matter of claim 12.

Re the claims which are dependent on claim 12:

The reading device from D5 also has a display device for displaying the data which have been read out (figure 8, item 34). Therefore, PCT Article 33(2) has likewise not been complied with for the subject matter of claim 13.

The positioning means from claim 14 are defined only in connection with the data memory 32 of the seat; technical features are missing in this respect. The reading device thus meets the requirements of claim 14 solely on account of its design; it finally requires only a corresponding support on the seat for the reading device and this support can be adapted to any desired housing shape of the reading device. Therefore, PCT Article 33(2) has not been complied with.

D5 likewise shows a standardized interface according to claim 15 (figure 8, item 156). Therefore, PCT Article 33(2) has likewise not been complied with for the subject matter of claim 15.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/008228

Box No. VIII

Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 6-11 and 14 are not clear within the meaning of PCT Article 6. Claims 6-11 comprise the reading device which is not part of the claimed seat. Claim 14 comprises the data memory which is not part of the claimed reading device.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/008228

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Reference is made to the following search report
citations:

D1: US-A-6 107 920 (Sanjar Ghaem et al., 22 August
2000)

D2: US-B-6 412 813 (David Breed et al., 2 July
2002)

D3: US-B-6 561 580 (Karl H. Bergey, 13 May 2003)

D4: DE-A-198 40 785 (Arthur Habermann GmbH, 23
March 2000)

D5: WO-A-97/22297 (Life Alert Ltd., 26 June 1997)

Box IV

The subject matter of independent claims 1 and 12 does not meet the requirement for unity of invention. These inventions are not linked so as to form a single general inventive concept (PCT Rule 13.1).

The various groups of inventions are:

- 1.) Claims 1-11: seat with an integrated data memory
- 2.) Claims 12-15: reading device

There is no general concept that connects the independent claims to one another and thus no technical relationship within the meaning of PCT Rule 13.2. Such a connection must be expressed using one or more identical or corresponding special technical features. However, that is not the case in the present application.

Supplemental Box

The prior art (D1) discloses a data memory which can store identification data for a product, which data can be retrieved as required (column 2, lines 47-57; column 3, lines 46-55). Fitting such a memory in a seat differs from this prior art. The problem to be solved therefore involves labelling a seat and the special technical feature of the proposed solution is the data memory integrated in the seat.

In contrast, independent claim 12 comprises a reading device which is suitable for reading data from data memories. Only the reading device is claimed, the data memory from claim 1 not being part of the subject matter claimed. The claimed reading device is entirely suitable for reading data from data memories which are not integrated in aircraft passenger seats. Although D1 describes a reading device (base station), it does not mention the memory means (mentioned in claim 12) for buffer-storing the data which have been read or are to be written. In this case, the problem to be solved is therefore that of buffer-storing data from a data memory in the reading device and the memory means in the reading device are therefore the special technical feature.

The special technical features of claims 1 and 12 are therefore not the same; they do not define any corresponding features either since the respective special technical features are based on different problems.

Therefore, the requirements pursuant to PCT Rule 13.1 and

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/008228

Supplemental Box

13.2 have not been met and the application thus lacks
unity of invention.